

SECOND REGULAR SESSION

SENATE BILL NO. 722

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2606S.011

AN ACT

To repeal section 302.304, RSMo, and to enact in lieu thereof two new sections relating to driver's license revocations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 302.304, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.304 and 303.173, to read as follows:

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. **The revocation period of any person whose license and driving privilege have been revoked a second time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after three years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a third time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after five years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fourth time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue**

in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after seven years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fifth or subsequent time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after ten years from the effective date of the revocation. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having

the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. [Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14.] No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

[15.] 14. The fees for the program authorized in subsection [14] 13 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001, RSMo, or a

program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

[16.] 15. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

303.173. 1. The license and driving privilege of any person whose license and driving privilege have been revoked for the first time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits for liability coverage:

(1) Not less than fifty thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

2. The license and driving privilege of any person whose license and driving privilege have been revoked a second time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of

financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than seventy-five thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident.

3. The license and driving privilege of any person whose license and driving privilege have been revoked a third time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than seventy-five thousand dollars because of injury to or destruction of property of others in any one accident.

4. The license and driving privilege of any person whose license and driving privilege have been revoked a fourth or subsequent time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than five hundred thousand dollars because of bodily injury to or death of two or more persons in any one

accident; and

(3) Not less than one hundred thousand dollars because of injury to or destruction of property of others in any one accident.

5. If any person required by this section to file proof of financial responsibility demonstrating that such person has obtained an automobile liability insurance policy subject to certain minimum amounts of coverage, thereafter fails to maintain proof of the required coverage during any period of time such person owns, in whole or in part, any motor vehicle, the person's license and driving privilege shall be rerevoked.

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